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JERRY NEHL BOYLAN

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JERRY NEHL BOYLAN,  
  
Defendant.

Case No. 2:22-CR-00482-GW

**EX PARTE APPLICATION TO FILE  
DOCUMENTS UNDER SEAL;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION  
OF COUNSEL**

Jerry Boylan, by and through the undersigned, applies to this Court for an order that defendant's motion in limine no. 1: motion to exclude unreliable expert opinion testimony about the cause and origin of the fire, lodged herewith, be filed under seal.

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1           This application is based upon the attached memorandum of points and  
2 authorities and the declaration of counsel.

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4                               Respectfully submitted,

5                               CUAUHTEMOC ORTEGA  
6                               Federal Public Defender

7   DATED: September 18, 2023

By /s/ Georgina Wakefield

8                               GEORGINA WAKEFIELD  
9                               GABRIELA RIVERA  
10                              JULIA DEIXLER  
11                              Deputy Federal Public Defenders  
12                              Attorneys for JERRY NEHL BOYLAN  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

The Office of the Federal Public Defender represents Jerry Boylan. Counsel requests that the enclosed documents be filed under seal. This Court is empowered to seal documents under appropriate circumstances. *See United States v. Mann*, 829 F.2d 849, 853 (9th Cir. 1987); Central District of California Local Rule 79-5.1.

Counsel respectfully submits that it is appropriate that the Court order these pleadings be filed under seal. The government opposes this application.

Respectfully submitted,

CUAUHTEMOC ORTEGA  
Federal Public Defender

DATED: September 18, 2023

By /s/ Georgina Wakefield

GEORGINA WAKEFIELD  
GABRIELA RIVERA  
JULIA DEIXLER  
Deputy Federal Public Defenders  
Attorneys for JERRY NEHL BOYLAN

**DECLARATION OF COUNSEL**

I, Georgina Wakefield, hereby state and declare as follows:

1. I am a Deputy Federal Public Defender in the Central District of California assigned to represent Jerry Nehl Boylan in the above-titled action.

2. Counsel for Mr. Boylan requested that motions in limine discussing potentially inadmissible evidence be filed under seal given the recent and sustained media attention and pretrial publicity around the accident and the case. (ECF No. 81.) The government opposed that request. (ECF No. 94.)

3. At a hearing on today's date, the Court indicated that it wanted at least the government's motion in limine to admit evidence under Rule 404(b) to be filed under seal at the outset. The Court stated that it would revisit that ruling after the government briefed it.

4. The motion and its exhibits relate to the ATF's fire investigation and experimental test fires. This was the subject of the recent news coverage, including a front page article in the Los Angeles Times. Moreover, the exhibits include proffer statements of three witnesses. Accordingly, counsel for Mr. Boylan believes that if filed publicly, the motion and its exhibits could be the subject of continued press coverage.

5. For this reason, I am requesting to file this motion and its exhibits under seal.

6. The government is opposed to this request.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: September 18, 2023

By /s/ Georgina Wakefield

GEORGINA WAKEFIELD